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Application No.: 10/678,480
App. Dated Oct. 21, 2004

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Max Kadiu
Application No.: 10/678,480

Filed: 04/15/2003
Title: Trench Shoring Device

Group Art Unit: 3673
Examiner: Frederick L. Lagman

Cupertino, Tuesday, January 17, 2005

AMENDMENT AND RESPONSE

Mail Stop Non-Fee Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith for filing are amendments of the above-identified patent application according to the Office Communication Mailed on October 21, 2004.

Thank you for your prompt response and kind consideration. Should you have any questions or need additional information, please do not hesitate to contact the undersigned.

Respectfully submitted,

Max Kadiu

Enclosure: Amendments

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention.
3. Claim 1 recites the limitation "the edge guide" in line 7. There is insufficient antecedent basis for this limitation in the claim. In lines 2-3, "a vertical guide of round tube" is recited. It appears that "the edge guide" should be --the vertical guide of round tube--.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the second paragraph of 35 U.S.C. 102:

A person shall be entitled to a patent unless--

(b) the invention was patented or described in a printed publication in this or foreign country on in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 4 is rejected under 35 U.S.C. 102 (b) as being anticipated by Hess et al #5,503,504. Hess et al discloses a shoring device wherein the strut 5 is vertically adjustable.
6. Claim 4 is rejected under 35 U.S.C. 102 (b) as being anticipated by Krings #3,621,660. Krings discloses a shoring device wherein the strut 3 is vertically adjustable.
7. Claim 5 is rejected under 35 U.S.C. 102 (b) as being anticipated by Krings #5,902,075. Krings discloses a shoring device wherein the cutting edges 6 are provided on the top and bottom of the panel and appear to be oriented in reverse.

Allowable Subject Matter

8. Claim 1-3 would be allowed if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in the Office Action.

Notice Of Reference Cited	Application/Control No. 10/678,480	Applicant(s)/Patent Under Reexamination	
	Examiner	KADIU, MAX	
	Frederick L. Lagman	Art Unit 3673	Page 1 of 1

U.S. PATENT DOCUMENTS

		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-3,530,679	01-1969	Krings, Josef	405/282
	B	US-3,621,660	05-19970	Krings, Josef	405/282
	C	US-5,503,504	05-1994	Hess, Wilhelm et al.	405/282
	D	US-5,902,075	05-1997	Krings, Josef	405/282
	E	US-6,224,296	07-1998	Fukumori, Kenich	405/282
	F	US-3,910,053	10-1975	Krings, Josef	405/282
	G	US-4,657,442	04-1987	Krings Josef	405/282
	H	US-5,310,289	07-1993	Hess, Wilhelm	405/282
	I	US-6,164,874	12-2000	May, Helmut	405/283
	J				
	K				
	L				
	M				

FOREING PATENT DOCUMENTS

		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	N				

NON-PATENT DOCUMENTS

		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages
	O	